

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Folly Farms Court, 300 ft. E of C/1 Angus Court
12 Folly Farms Court
4th Election District
3rd Councilmanic District
Richard W. Gilpin, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-433-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Richard W. Gilpin and Adele M. Gilpin, for that property in an R.C.4 zone known as 12 Folly Farms Court in the Folly Farms subdivision of Baltimore County. The Petitioners herein request a variance from Section 1A03.4.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 ft., in lieu of the required 50 ft., for an addition; and to amend the Final Development Plan of Folly Farms Section 1, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of July, 1993 that the Petition for a Zoning Variance from Section 1A03.4.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 ft., in lieu of the required 50 ft., for an addition; and to amend the Final Development Plan of Folly Farms Section 1, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated July 2, 1993, attached hereto and made a part thereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 7, 1993

Mr. and Mrs. Richard W. Gilpin
12 Folly Farms Court
Reisterstown, Maryland 21136

RE: Petition for Administrative Variance
Case No. 93-433-A
12 Folly Farms Court

Dear Mr. and Mrs. Gilpin:

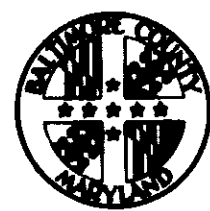
Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 12 Folly Farms Court which is presently zoned RC4

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A03.4.2 to permit a rear setback of 30' in lieu of the required 50' and to amend the F.D.P. of Folly Farms Sec. 1.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
Situation of home on lot precludes addition of needed bedroom space in bedroom area without encroaching on a 50' setback line. Encroachment of proposed addition will be toward public property and not that of any neighbors. Other sites of construction require removal of deck, relocation of swimming pool and possibly of septic system. Bedroom areas would then be separated; slab construction at the south end of house precludes heating and plumbing connections without excavation of portions of existing floor. Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lessee
Type or Private Name
Signature
Address
City State Zipcode
Attorney for Petitioner
Type or Private Name
Signature
Address Phone No.
City State Zipcode
Name Address and phone number of representative to be contacted
Name Address Phone No.

Richard W. Gilpin
Adele M. Kaplan Gilpin
12 Folly Farms Court
Reisterstown MD 21136
410-555-1818 W
410-526-4012 H

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, or received by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reported.

REVIEWED BY: RT DATE: 6-8-93
ESTIMATED FILING DATE: 6-20-93

Item # 441

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 12 Folly Farms Court
Reisterstown MD 21136

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate reasons or practical difficulty)

Situation of home on lot precludes addition of needed bedroom space in bedroom area without encroaching on a 50' setback line. Encroachment of proposed addition will be toward public property and not that of any neighbors.

Other sites of construction require removal of deck, relocation of swimming pool and possibly of septic system. Bedroom areas would then be separated; slab construction at the south end of house precludes heating and plumbing connections without excavation of portions of existing floor.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to pay additional information.

Richard W. Gilpin
Adele M. Kaplan Gilpin

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7th day of June, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Richard W. Gilpin & Adele M. Kaplan Gilpin

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the contents and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 7, 1993

My Commission Expires: JUDITH A. ARCHAMBAULT
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires November 12, 1993

EXAMPLE 3 - Zoning Description - 3 copies 93-433-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 12 Folly Farms Court
(address)
Election District 4 Councilmanic District 3

Beginning at a point on the North side of
(north, south, east or west)

Folly Farms Court which is 50'
(street on which property fronts) (number of feet of right-of-way width)

wide at a distance of 300' East of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Angus Court
(name of street)

which is 50' wide. *Being Lot # 14
(number of feet of right-of-way width)

Block _____, Section # 1 in the subdivision of
Folly Farms

(name of subdivision) as recorded in Baltimore County Plat

Book # 37, Folio # 148, containing

52,272 sq. ft., 1.2 acres
(square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber _____, Folio _____" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

ITEM # 441

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: H-11 Date of Posting: 6/28/93

Posted for: 12 Folly Farms Court

Petitioner: Richard W. Gilpin

Location of property: 12 Folly Farms Court, 300' E. Angus Ct.

Location of Sign: 12 Folly Farms Court, 300' E. Angus Ct.

Remarks:

Posted by: M. E. H. Date of return: 6/28/93

Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 13895
93-433-A

DATE 6-8-93 ACCOUNT R-001-6150

AMOUNT \$ 85.00

RECEIVED FROM: Richard W. Gilpin

FOR: ADM. VARIANCE

ITEM # 441

01A01M006-5MCHRC
SA-C0002110A04-05-93 \$85.00

VALIDATION OR SIGNATURE OF CLERK

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 25, 1993

Mr. and Mrs. Richard W. Gilpin
12 Folly Farms Court
Reisterstown, MD 21136

RE: Case No. 93-433-A, Item No. 441
Petitioner: Richard W. Gilpin, et ux
Petition for Administrative Variance

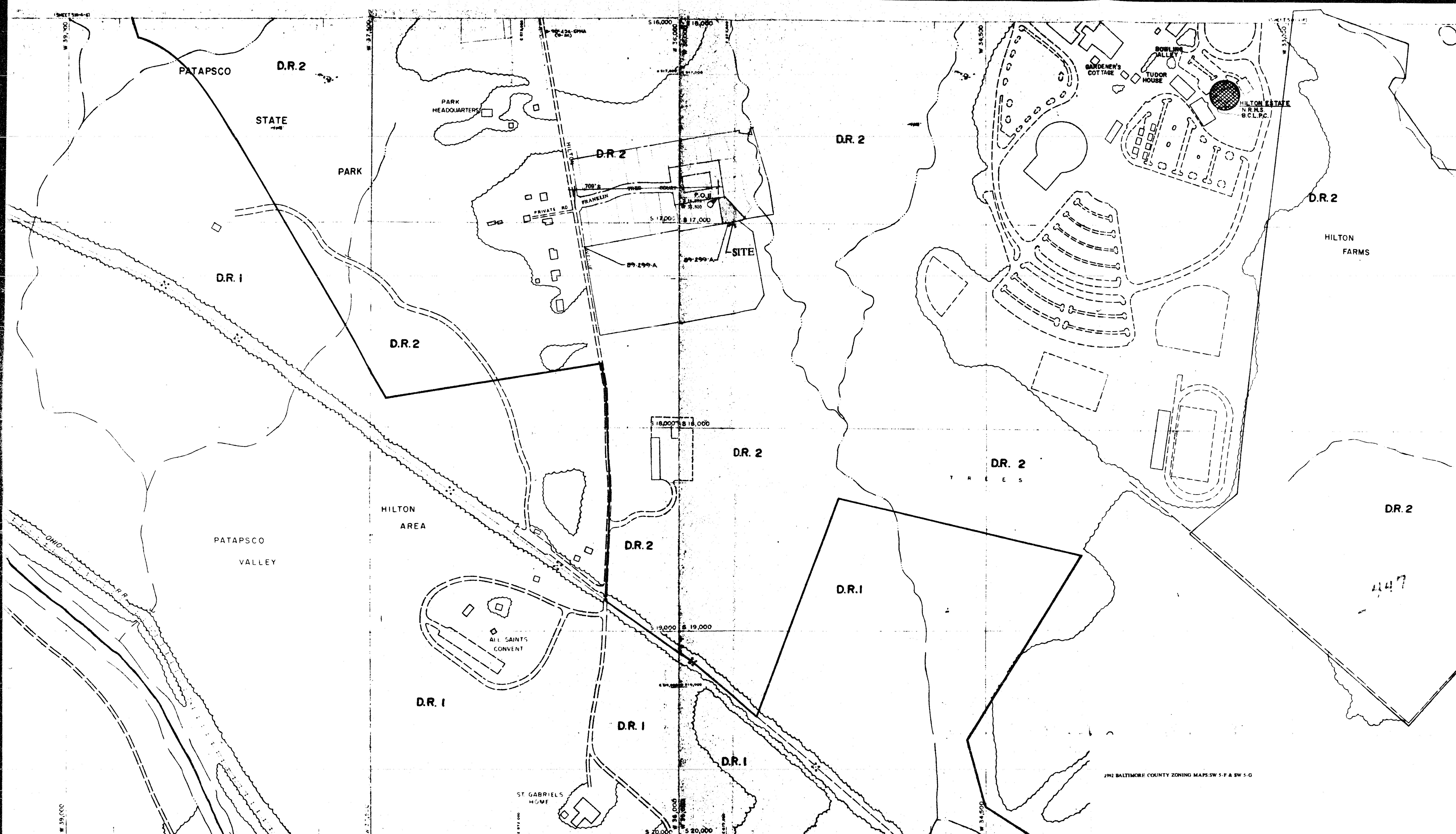
Dear Mr. and Mrs. Gilpin:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 8, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



**BALTIMORE COUNTY
PLANNING AND ZONING
COMMISSION
GENERAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William J. Howard
Chairman, County Council

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

CATONSVILLE

SHEET

H-SE G-SW
D-NE C-NW

S.W.

S-G

THIS MAP HAS BEEN REVISED BY SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY SUCHART-HORN, INC. BALTIMORE, MD 21210

1986 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 12, 1986

SW Map. 144-89, 148-89, 149-89, 150-89, 151-89, 152-89, 153-89, 154-89, 155-89, 156-89, 157-89, 158-89, 159-89, 160-89, 161-89, 162-89, 163-89, 164-89, 165-89, 166-89, 167-89, 168-89, 169-89, 170-89, 171-89, 172-89, 173-89, 174-89, 175-89, 176-89, 177-89, 178-89, 179-89, 180-89, 181-89, 182-89, 183-89, 184-89, 185-89, 186-89, 187-89, 188-89, 189-89, 190-89, 191-89, 192-89, 193-89, 194-89, 195-89, 196-89, 197-89, 198-89, 199-89, 200-89

John J. V. [Signature]
Chairman, County Council

200 SCALE ZONING MAP TO ACCOMPANY VARIANCE PETITION
PATAPSCO WOODS - LOT #46

93-439-A

D.S. THALER & ASSOC., INC.

200 SCALE ZONING MAP TO ACCOMPANY VARIANCE PETITION
PATAPSCO WOODS - LOT #46
1115 AMBASSADOR ROAD, BALTIMORE, MD 21204
(410) 944-2900, (410) 944-2947
5-26-93

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
ITEM # 441
WEST OF
DEER PARK
93-433-A
John T. Howard
Chairman, County Council

SHEET
NW
13-M

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

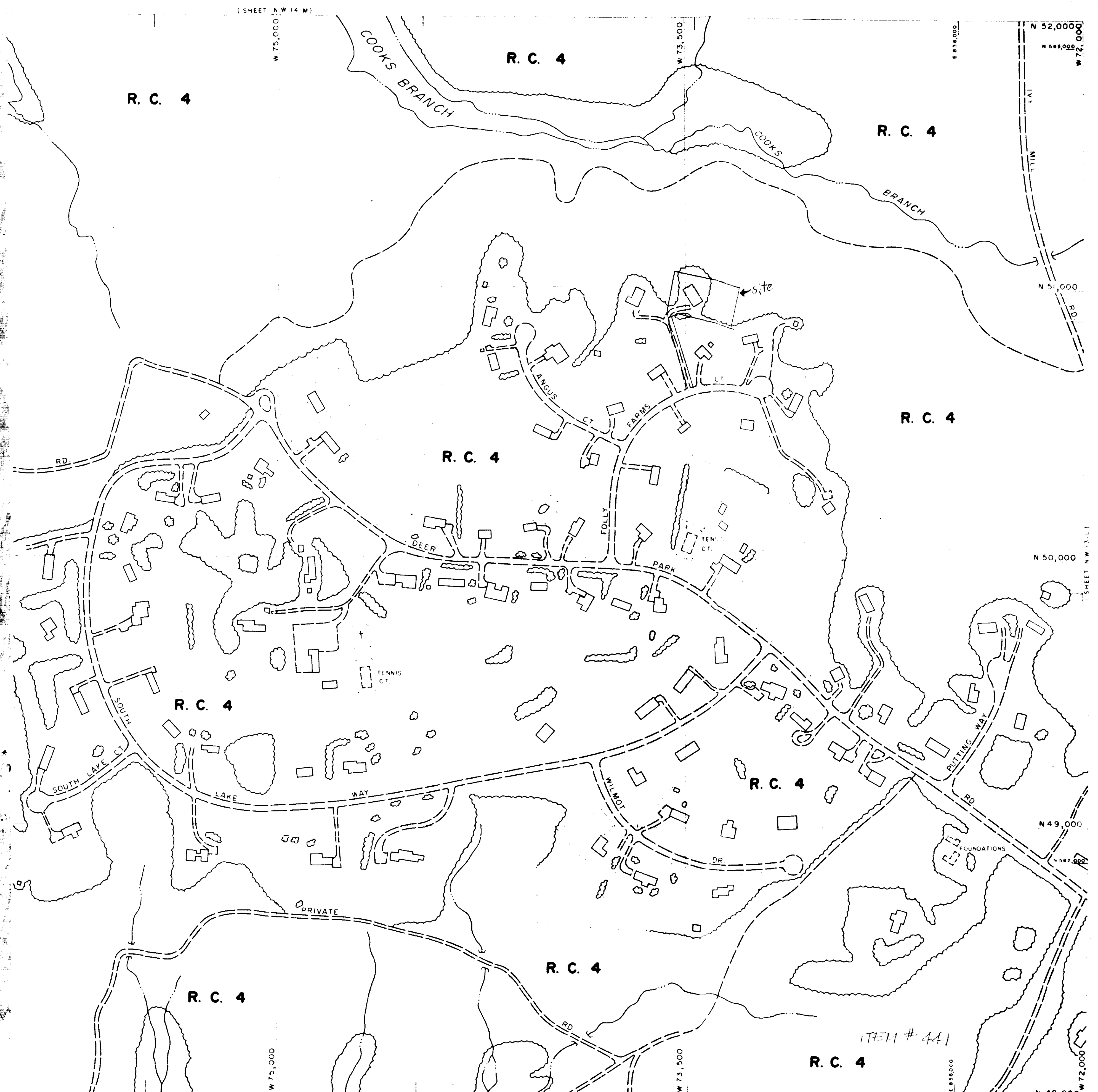
1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
BMC Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William A. Howard
Chairman, County Council

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
WEST OF
DEER PARK

SHEET
NW
13-M



93-433-A

IN RE: PETITION FOR VARIANCE
S/S Franklin Tree Court, 700'
E of the c/l of Hillen Avenue
(19 Franklin Tree Court)
1st Election District
1st Councilmanic District
J & S Development Assoc., Inc.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-439-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, J & S Development Association, Inc., by Ronald I. Garshag, President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request relief from Sections 1801.2.C.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.6.c of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a window-to-window setback of 33 feet in lieu of the required 40 feet for an existing dwelling in accordance with Petitioner's Exhibits 1 and 2.

Appearing and testifying on behalf of the Petitioners was Robert A. Hoffman, Esquire. Appearing as a Protestant in the matter was Stephen Nugent, adjoining property owner. Mr. Nugent was represented by Jeffrey S. Chernow, Esquire.

Testimony indicated that the subject property, known as 19 Franklin Tree Court, consists of 0.22 acres more or less, zoned D.R. 2 and is improved with a single family dwelling and attached garage in accordance with Petitioner's Exhibit 1. Said property is also known as Lot 46 of the subdivision known as Patapasco Woods. Testimony revealed that the variance requested was necessitated due to the fact that the dwelling on adjoining Lot 47 was built incorrectly. That is, the garage and windows shown on

the south side of that dwelling were intended to be located on the north side of the dwelling but were incorrectly placed on the south side. As a result, the windows of the dwelling on the subject Lot 46 do not meet the window-to-window setback requirements that were in effect at the time Patapasco Woods was approved. The Petitioner now seeks to correct the error which was made during the construction of the two dwellings in question.

Testimony indicated that the adjoining property owners of Lot 47, Stephen and Janet Nugent, were originally opposed to the granting of the relief sought due to the problems they incurred from the siting and construction of their dwelling on Lot 47 by the Petitioners. Since the filing of this Petition, the parties have reached an agreement which in effect resolves the concerns raised by the Nugents. A copy of this agreement, which includes attached correspondence dated July 7, 1993 from Sandra A. Gallagher, Director of Land Development for Porten Sullivan Corporation, to Jeffrey S. Chernow, Esquire, attorney for the Protestants, was submitted to this hearing officer as Protestant's Exhibit 1. Said agreement indicates that in exchange for the full performance by the Petitioners of all of the terms, conditions and obligations set forth therein, the Nugents have agreed to support the requested variance.

Inasmuch as the Petitioners and the Protestants have reached an amicable agreement, it is my opinion that Protestant's Exhibit 1 should be incorporated as a part of this Order and shall be enforceable accordingly. Furthermore, the Petitioners shall submit a landscape plan for approval by this Office within thirty (30) days of the date of this Order. Said plan shall include the landscaping agreed upon between the Petitioners and the Protestants as set forth in the letter dated July 7, 1993 included within Protestant's Exhibit 1. Said landscaping shall be completed on or before

- 2 -

October 31, 1993 unless an extension of time is agreed to by and between the parties.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Peti-

- 3 -

tioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of July, 1993 that the Petition for Variance requesting relief from Sections 1801.2.C.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.6.c of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a window-to-window setback of 33 feet in lieu of the required 40 feet for an existing dwelling in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The settlement agreement reached between the Petitioners and the Protestants, identified herein as Protestant's Exhibit 1, shall be incorporated into this Order and enforceable as a part of this Order. Within thirty (30) days of the date of this Order, a landscape plan shall be submitted to this Office for review and approval. Said plan shall include the landscaping agreed to between the Petitioner and the Protestants pursuant to Protestant's Exhibit 1. Furthermore, said landscaping shall be completed on or before October 31, 1993 unless an extension of time is agreed to between the parties.
- 3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

July 19, 1993

(410) 887-4386

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
S/S Franklin Tree Court, 700' E of the c/l of Hillen Avenue
(19 Franklin Tree Court)
1st Election District - 1st Councilmanic District
J & S Development Association, Inc. - Petitioners
Case No. 93-439-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Jeffrey S. Chernow, Esquire
6 Park Center Court, Suite 100, Owings Mills, Md. 21117

Mr. Ronald I. Garshag, President, J & S Development Assoc., Inc.
c/o Porten Sullivan Corp., 6001 Montrose Road, Suite 910,
Rockville, Md. 20852

People's Counsel

File



Petition for Variance

93-439-A
to the Zoning Commissioner of Baltimore County

for the property located at 19 Franklin Tree Court
which is presently zoned DR 2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801.2.C.2.b of the Baltimore County Zoning Regs. and V.B.6.c. of the Comprehensive Manual of Design Policies to allow a 33' window-to-window setback, in lieu of the required 40' setback.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
(to be addressed at hearing)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zip Code

Agency for Petitioner

Robert A. Hoffman, Esquire

(Type or Print Name)

Venable, Baetjer & Howard

210 Allegheny Avenue

Towson, MD 21204

Phone No. 494-6262

Fax No.

City

State

Zip Code

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

J & S Development Association, Inc.

(Type or Print Name)

Signature

Ronald I. Garshag, President

(Type or Print Name)

Signature

c/o Porten Sullivan Corp.

6001 Montrose Road

Suite 910 (301) 231-8745

Address

Rockville, MD 20852

City

State

Zip Code

Name

Robert A. Hoffman

Address

210 Allegheny Avenue

Towson, MD 21204

Phone No. 494-6262

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210 Allegheny Avenue

Towson, MD 21204

Phone No. 494-6262

Fax No.

City

State

Zip Code

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

93-439-A

Account R-001-4150

Item Number 447

Date 6-11-93
J & S Development Association, Inc.
Site = 19 Franklin Tree Ct.

#000 - Variance - \$50.00
#000 - Sign & Posting - \$5.00

Total - \$55.00

3440301030CHN

\$95.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

JUN 16 1993

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-439-A (Item 447)
19 Franklin Tree Court
S/S Franklin Tree Court, 700' E of c/l Milton Avenue
1st Election District - 1st Councilmanic
Petitioner(s): J & S Development Association, Inc.
HEARING: MONDAY, JULY 12, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow a 33 foot window-to-window setback in lieu of the required 40 foot setback.

Carl Jablon

Arnold Jablon
Director

cc: J & S Development Association, Inc.
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

July 2, 1993

(410) 887-3353

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Item No. 447, Case No. 93-439-A
Petitioner: J & S Dev. Assoc., Inc.
Petition for Variance

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 11, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-17-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 447(555)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 28, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 420, 435, 441, 443, 444, 445, 446, 447, 448, 457, 458, 459 and 461.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*
Division Chief: *Carol L. Lewis*

PK/JL:lw

435.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

June 25, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson JLP/MS
Development Coordinator, DEPRM

SUBJECT: Zoning Item #447, J & S. Development Association, Inc.
(Patapsco Woods)
19 Franklin Tree Court
Zoning Advisory Committee Meeting of June 21, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

1. The existing wetlands in the swale behind 19 Franklin Tree Court should be shown.
2. The grade shown does not match the approved grading for the site.

JLP:sp
J&SDEV/TXTS8P

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee Date: June 28, 1993

FROM: Captain Jerry Pfeifer - Fire Dept.

SUBJECT: June 28, 1993 Meeting

Revised #138- Building shall be in compliance with the 1991 Life Safety Code.

- #441 - No comments
- #442 - Standpipes in accordance with NFPA 303 are required where a hose lay from fire apparatus to the end of a pier exceeds 150'.
- #443 - No comments
- #444 - No comments
- #445 - Building shall comply with the 1991 Life Safety Code and shall be equipped with smoke detectors in accordance with State Law.
- #446 - No comments
- #447 - No comments
- #448 - No comments
- #449 - No comments

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S Franklin Tree Ct., 700' E of : OF BALTIMORE COUNTY
C/L Hilton Ave. (19 Franklin :
Tree Ct.), 1st Election Dist., :
1st Councilmanic Dist. : Case No. 93-439-A
J & S DEVELOPMENT ASSOCIATION, :
INC., Petitioner :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carol S. Demillo
Carol S. Demillo
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 23rd day of June, 1993, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner.

RECEIVED
JUN 24 1993
TAC-1
Peter Max Zimmerman
Peter Max Zimmerman

CPS-008

PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME
Stephen Nugent

ADDRESS
21 Franklin Tree Ct
Baltimore Md 21228

Jeffrey S. Chemaw, Esq.
(Counsel for Mr. Nugent)

6 Park Center Ct #100
Owings Mills Md 21117

OFFICE OF
ANDEL, KLITENIC & CHERNOBYL
A PARTNERSHIP OF PROFESSIONAL CORPORATION
14000 BROADWAY
6 PARK CENTER COURT, SUITE 100
OWINGS MILLS, MARYLAND 21117
410/581-1400
FAX 410/581-1404

July 8, 1993

Sandra A. Gallagher
Director of Land Development
Porten Sullivan Corporation
6001 Montrose Road
Suite 910
Rockville, Maryland 20852

PROTESTANT'S EXHIBIT NO. 4

RE: Steven and Janet Nugent
21 Franklin Tree Court (Lot 47)

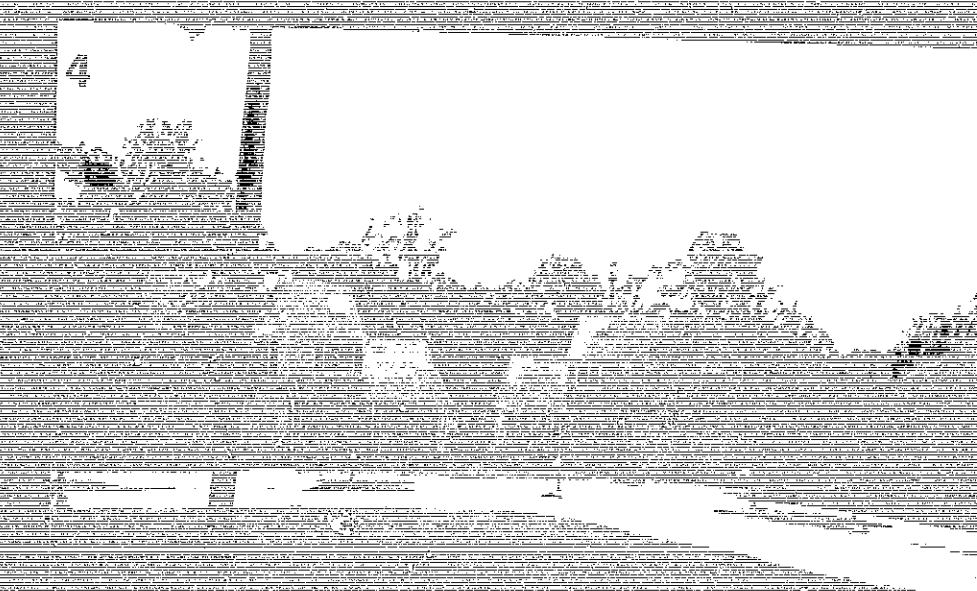
Dear Ms. Gallagher:

This letter is written pursuant to an agreement of July 7, 1993 (the "Agreement"), by and between Steven and Janet Nugent ("Nugents"), J & S Development Associates, Inc. ("J & S") and Porten Sullivan Corporation ("Porten") which contains provisions resolving claims of the Nugents against J & S and Porten arising from the siting and construction of 21 Franklin Tree Court and 19 Franklin Tree Court.

In consideration of the full performance by J & S and Porten of all of the terms, conditions and obligations of the Agreement, the Nugents advise you of their support for the granting of the variance requested by J & S which is the subject of Case No.: 93-439-A (Item 447) before the Zoning Commissioner of Baltimore County. The Nugents support the grant of the request for a window-to-window variance because the Agreement provides for the planting of trees and shrubbery which, when planted, will screen the windows of 19 Franklin Tree Court from the windows of 21 Franklin Tree Court. Also, the Agreement provides for certain other actions by J & S and Porten, which result in an acceptable, practical resolution of problems created by the siting of 19 Franklin Tree Court.

To confirm their Agreement to the representations regarding their position which are contained in this letter, the Nugents have signed below.

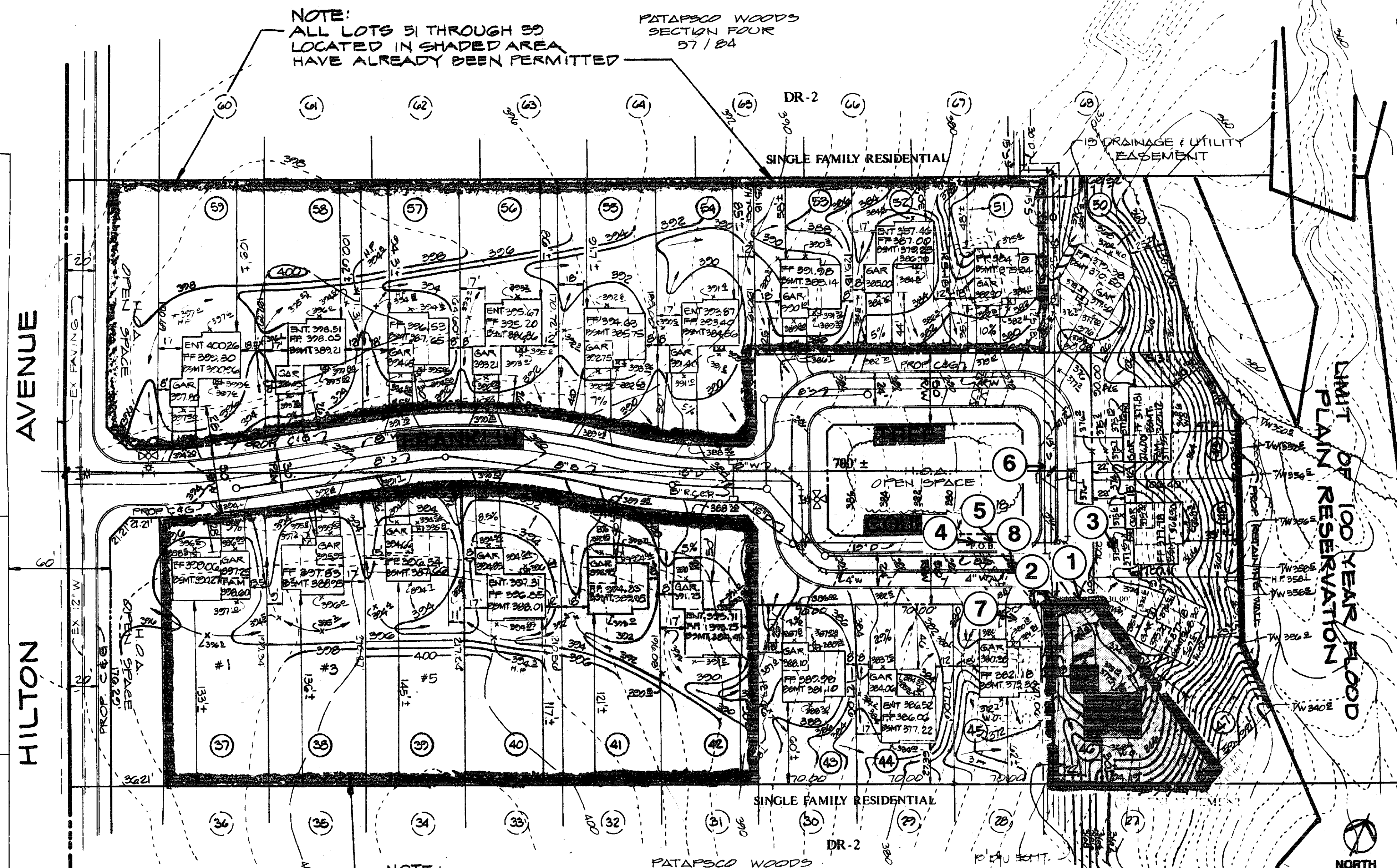
Reliance
Exhibit 2
Photograph (12)
in Case
93-439-A



HOUSE SCHEDULE			
LOT NO.	HOUSE TYPES	LOT NO.	HOUSE TYPES
37	L' STD. NO WALKOUT	49	L' REVERSE WALKOUT
38	B' STD.	50	B' REVERSE "
39	B' REVERSE "	51	B' STD. "
40	C' REVERSE "	52	C' STD. NO WALKOUT
41	B' REVERSE "	53	B' STD. "
42	C' REVERSE "	54	C' STD. "
43	B' REVERSE "	55	B' STD. "
44	C' REVERSE "	56	C' STD. "
45	B' REVERSE WALKOUT	57	B' STD. "
46	C' REVERSE "	58	C' STD. "
47	B' REVERSE "	59	C' STD. NO WALKOUT
48	B' STD.		

NOTE:
ALL LOTS 51 THROUGH 59
LOCATED IN SHADED AREA
HAVE ALREADY BEEN PERMITTED

PATAPSCO WOODS
SECTION FOUR
57 / 54

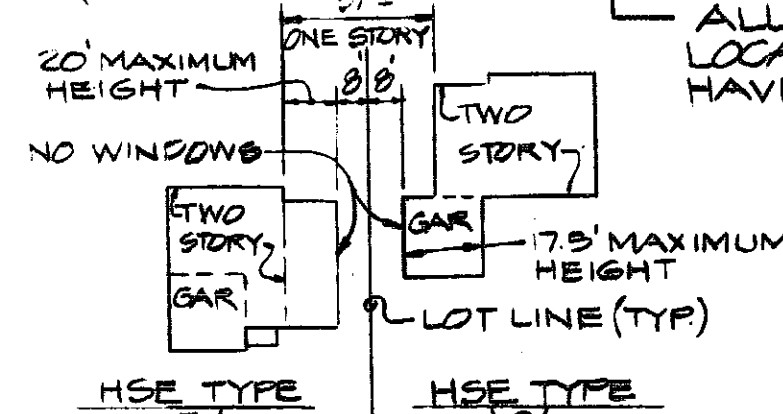


NOTE:
ALL LOTS 37 THROUGH 42
LOCATED IN SHADED AREA
HAVE ALREADY BEEN PERMITTED

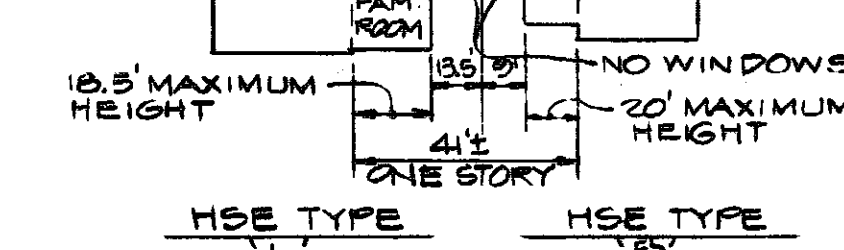
PATAPSCO WOODS
SECTION TWO
50 / 102

SECTION THREE - PHASE I PATAPSCO WOODS

SCALE: 1" = 50'



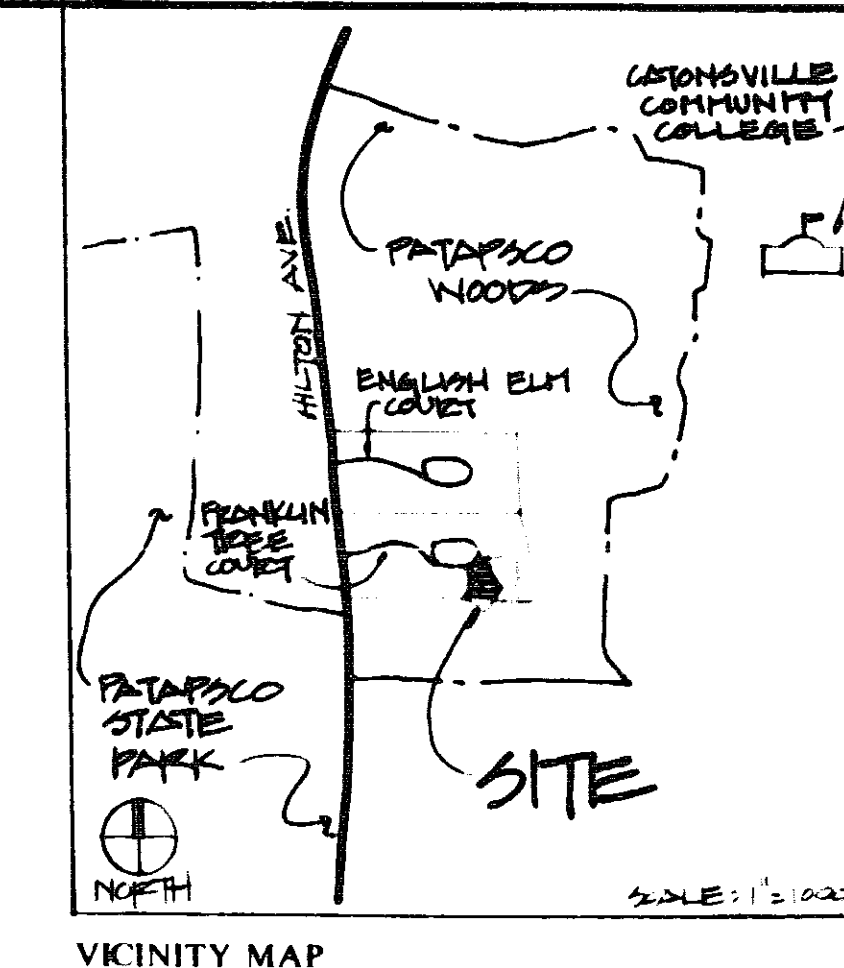
TYPICAL BUILDING HEIGHT
RELATIONSHIP BETWEEN
LOTS *39-40, *41-42, *43-44, AND *52-53
SCALE: 1" = 50'



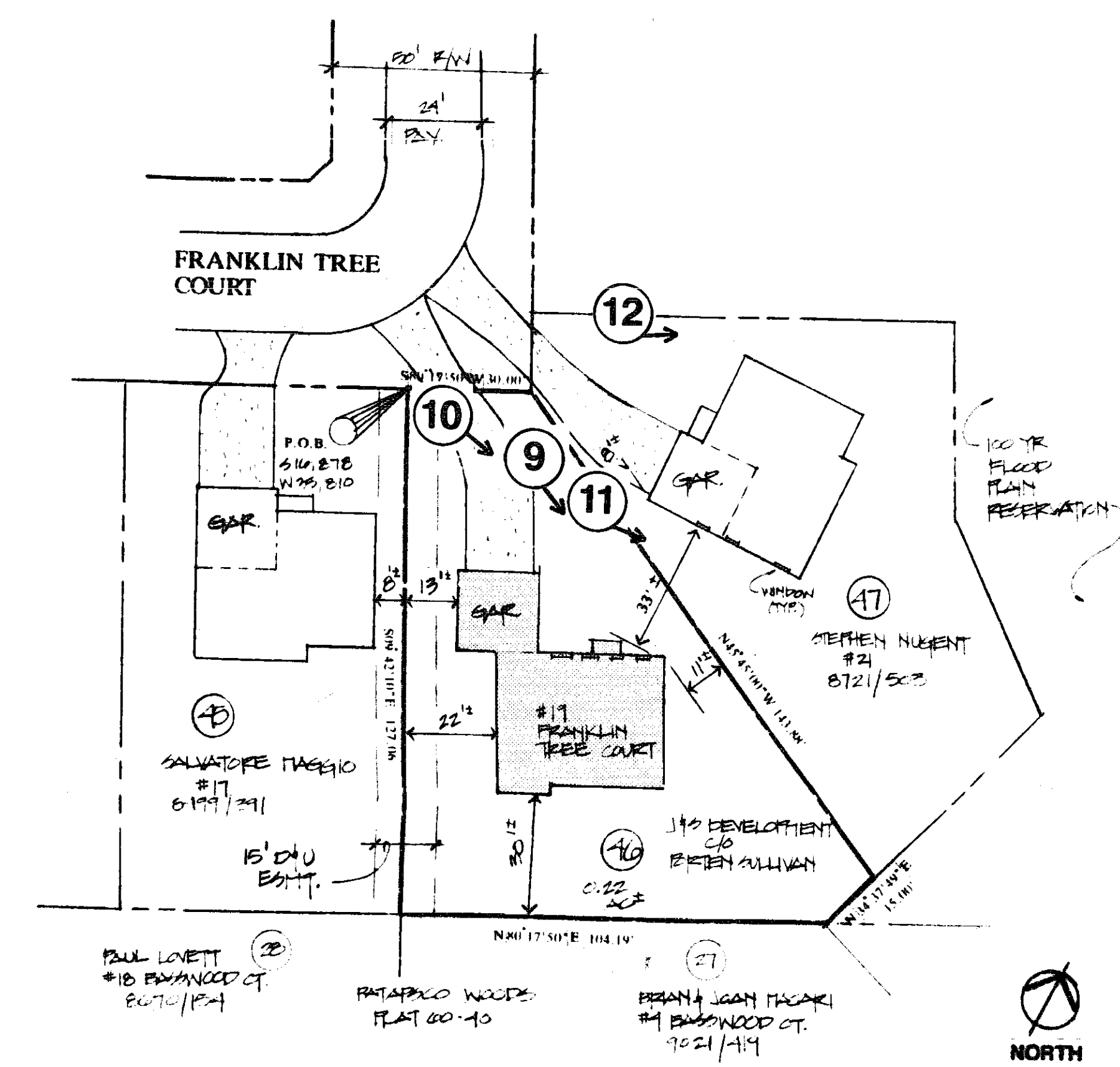
TYPICAL BUILDING HEIGHT
RELATIONSHIP BETWEEN LOTS *37-38
SCALE: 1" = 50'

OWNER / DEVELOPER

J. & S. DEVELOPMENT ASSOCIATES
c/o PORTEN SULLIVAN
6001 MONTROSE ROAD
SUITE 910
ROCKVILLE, MD. 20852
(301) 231-8745



VICINITY MAP



LOT #46 (19 FRANKLIN TREE COURT)

SCALE: 1" = 30'

VARIANCE REQUEST:

SECTION 1801.2.C.2.b. (B.C.Z.R.) AND V.B.6.c. (C.M.D.P.)
TO ALLOW A 33' WINDOW TO WINDOW SEPARATION, IN
LIEU OF THE REQUIRED 40' SEPARATION.

GENERAL NOTES:

ELECTION DISTRICT 1
COUNCILMANIC DISTRICT 1
ZONING: DR-2
CRG APPROVED: 2/19/86; AMENDED 7/3/86
PLAT: 56-103 & 57-83
LOT: #46 is 0.22 AC.

PETITIONER'S EXHIBIT 1

PLAT TO ACCOMPANY VARIANCE PETITION
PATAPSCO WOODS - LOT #46
(19 FRANKLIN TREE COURT)

5/26/93

ENGINEERS

D. S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD
BALTIMORE, MARYLAND 21244
(410) 944-3647

HOUSE SCHEDULE			
LOT NO.	HOUSE TYPES	LOT NO.	HOUSE TYPES
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48	B' STD.		

BALTIMORE 22° 00' 00" NORTH

AUGUST W. PETERS
(LOUISE S.)
ACCT. NO. 01-16-151142
2110 / 224
LOT 21

AUGUST W. PETERS
(SARAH S.)
ACCT. NO. 01-16-151150
1180 / 279

ROLAND S. PETERS
(HELENE)
ACCT. NO. 01-16-151280
1180 / 277

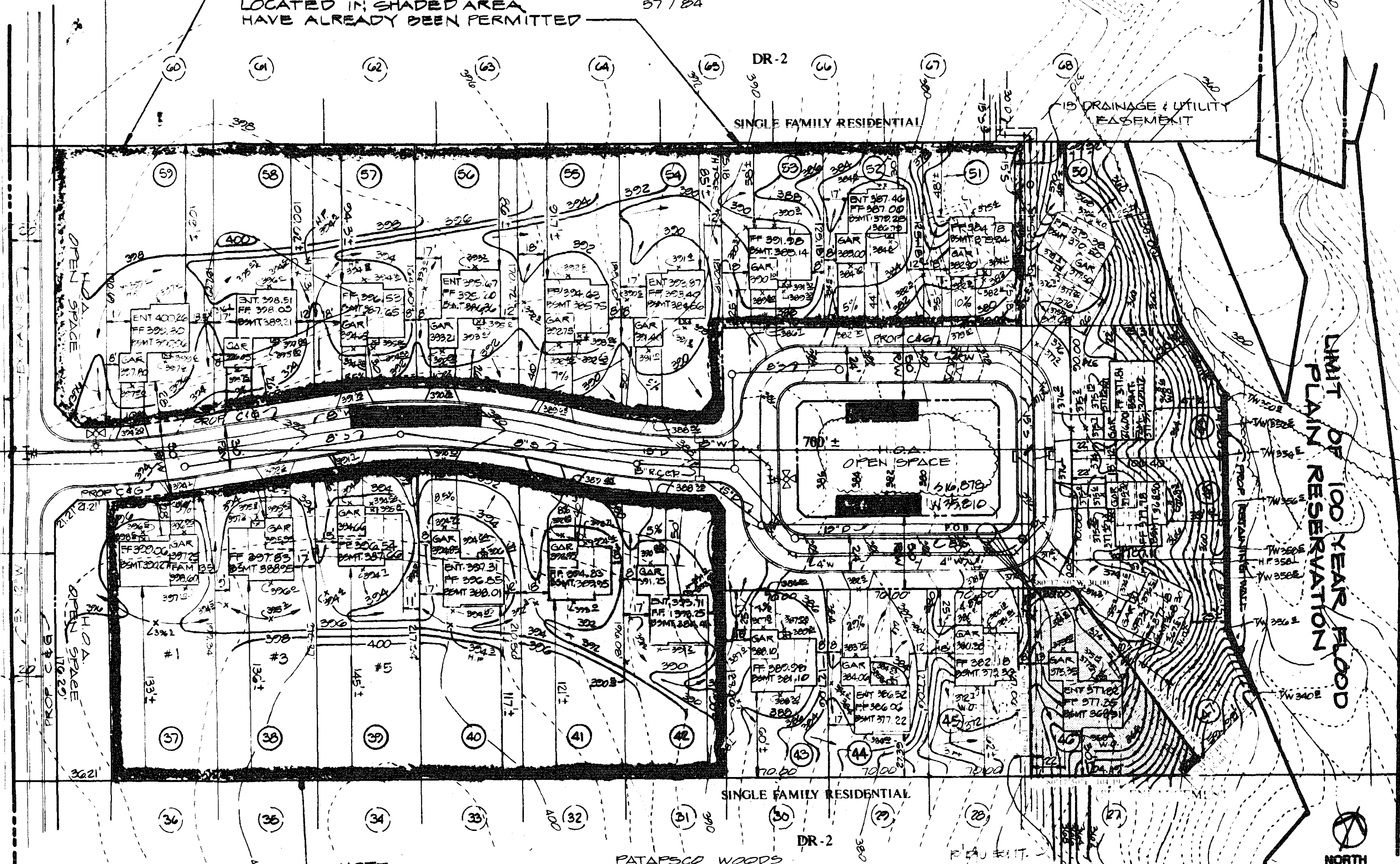
EUGENE F. GREENWALT
(MARIAN F.)
ACCT. NO. 01-07-580970
2154 / 200

NOTE:
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LOCATED IN SHADED AREA
HAVE ALREADY BEEN PERMITTED

PATAPSCO WOODS
SECTION FOUR
57 / 24

AVENUE

HILTON

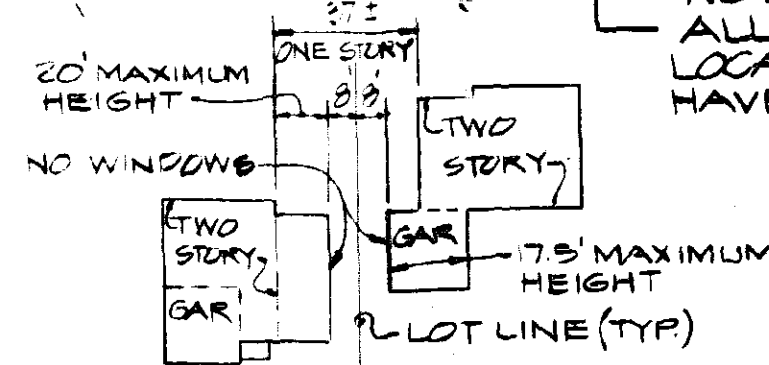


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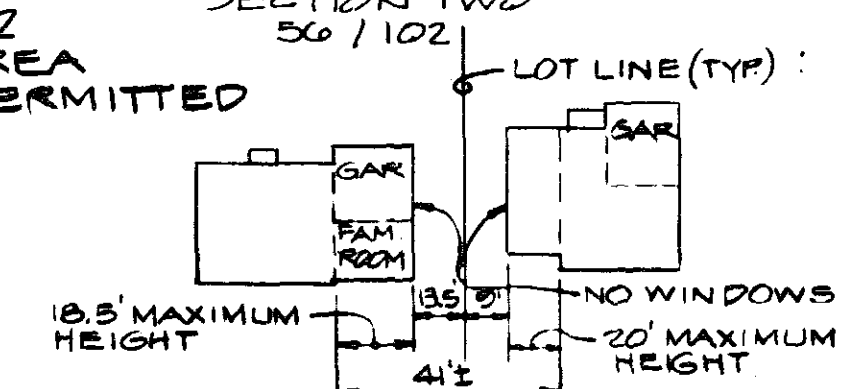
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50 / 102

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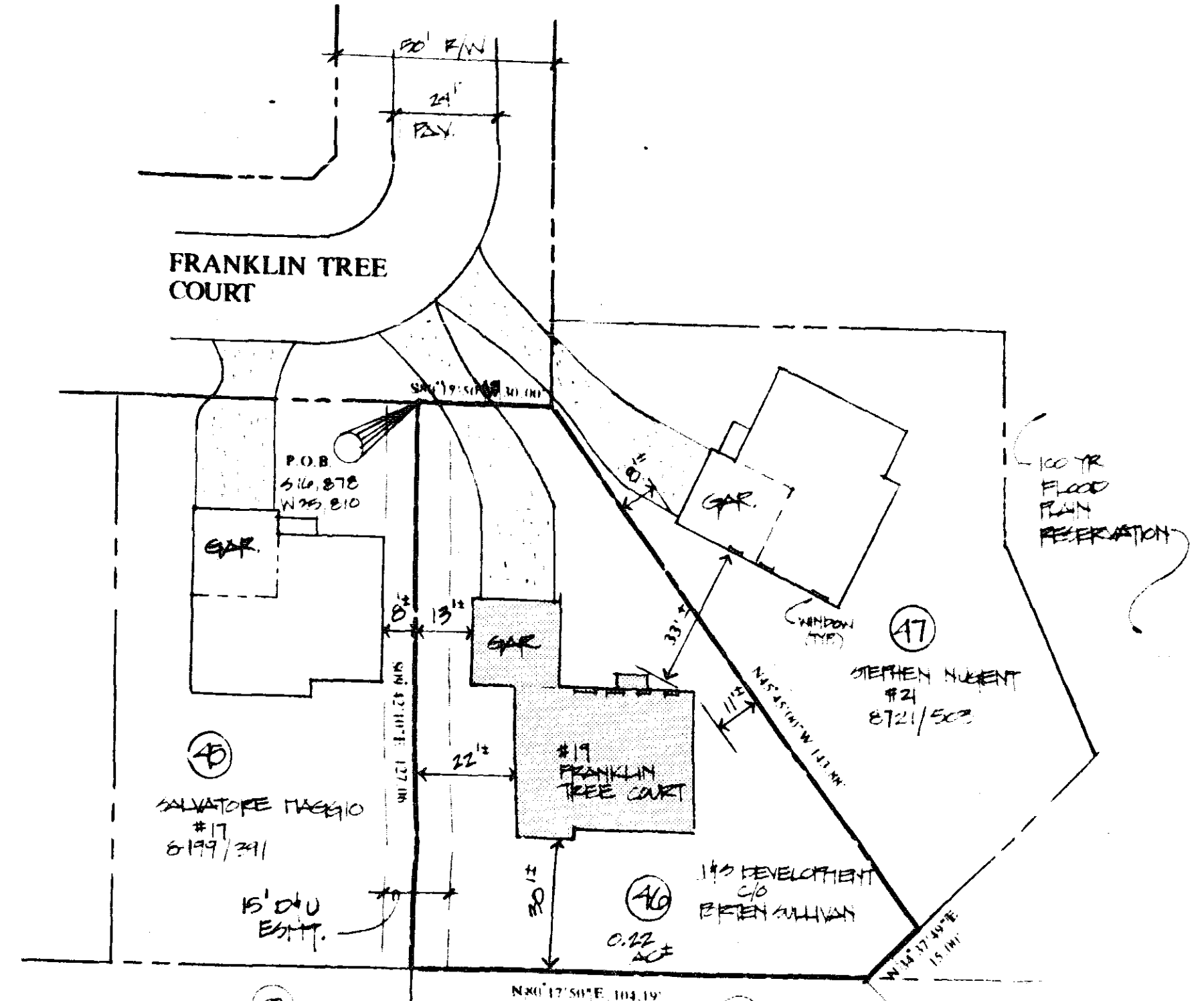
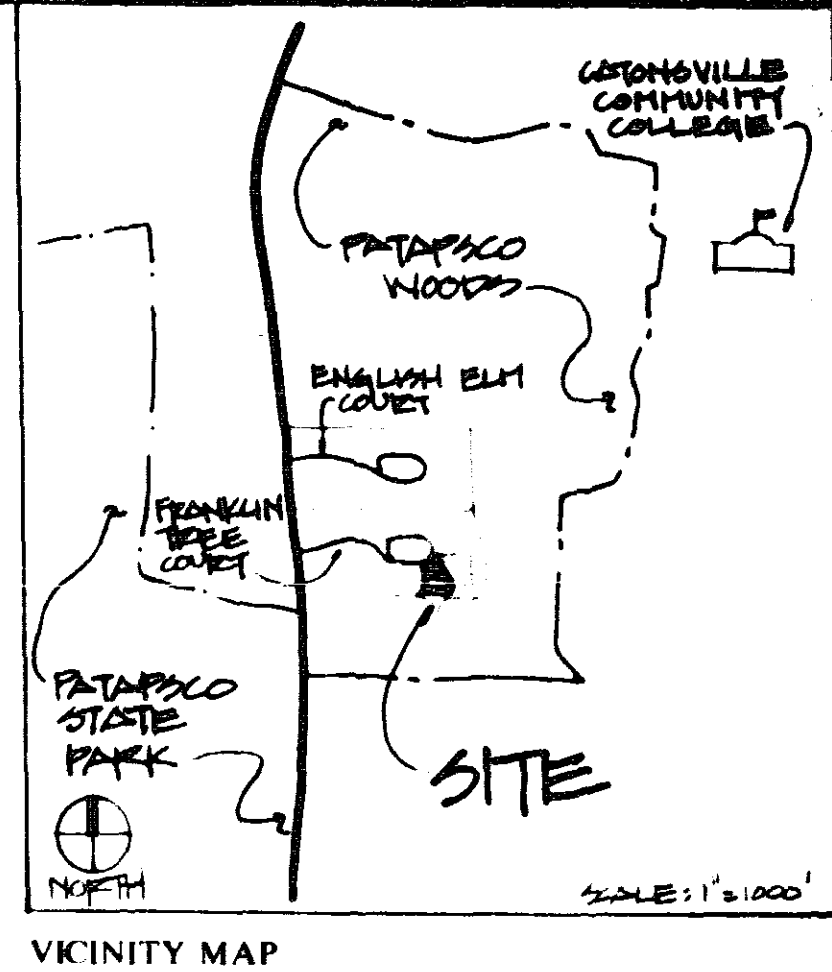
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RELATIONSHIP BETWEEN
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RELATIONSHIP BETWEEN LOTS *37-38
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93-439-A

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5/26/93

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